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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,584	05/05/2006	Joseph McCrossan	P35470-03	9015
42212 7590 01/14/2011 PANASONIC PATENT CENTER 1130 CONNECTICUT AVENUE NW, SUITE 1100 WASHINGTON, DC 20036				
EXAMINER				
KHAN, ASHER R				
ART UNIT		PAPER NUMBER		
2481				
NOTIFICATION DATE		DELIVERY MODE		
01/14/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/578,584

**Applicant(s)**

MCCROSSAN ET AL.

**Examiner**

ASHER KHAN

**Art Unit**

2481

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-5 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 11 is/are rejected.
- 7) ☒ Claim(s) 3 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

1. Claims 3-5 are allowed.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,907,658 to Murase et al. "Murase" in view of U.S. Patent 7,710,396 B2 to Smith et al. "Smith".**

As to claims 1 and 11, Murase discloses a non-transitory recording medium (Fig. 2A) having recorded thereon a video stream (Fig. 19B. video) and a graphics stream (Fig. 19B, sub-picture(SP)); "...the sub-picture data may include vector graphics..", Col. 42 lines 62-67) wherein:

the video stream represents a moving picture made up of a plurality of pictures (Fig. 18);

the graphics stream (Fig. 19B, sub-picture(SP); "...the sub-picture data may include vector graphics..", Col. 42 lines 62-67) is used for overlaying a menu on the moving picture ("the images (menus) of sub-picture packs... are superimposed on image...", Col. 24 line 64 to col. 25, lines 6), and includes interactive control information (Figs. 7D "management information pack", 10A "PCI" and 19A "management information pack") and graphics data (Fig. 19B, sub-picture(SP); "...the sub-picture data may include vector graphics..", Col. 42 lines 62-67) ; the graphics data is used for generating both the menu (Figs. 20 and 36) and an effect presented for introducing the menu (Moving from VOB 7~12 to VOB 25~30 and so on; Fig. 36; "...a menu image is reproduced for five to six second..." Col. 37 line 39 to Col. 38, line 53); and each piece of composition information shows (i) a bounding area (e.g., the area which bounds each displayed video frame as illustrated in Fig. 36) on a graphics plane within which a respective display composition (video 7 to 12 or video 25 to 30 or video 48 to 53 or video 65 to 70 or "...a shot of European coasts.." or "...VOB# 21 to VOB# 40... .. include a shot of European sceneries filmed from a train window.."; fig. 36 and etc) is rendered and (ii) a duration after which the display composition (video 7 or video 25 or video 48 or video 65; fig. 36) is replaced by a subsequent display composition to be rendered within the same bounding area ("... first question is reproduced for about twenty seconds...", "second question is reproduced for about 20 seconds..."; Col. 37 line 39 to Col. 38, line 53; It is noted that the timeline in Fig. 36 shows a duration for each video).

However Murase does not expressly disclose the interactive control information includes menu information and time information showing a time period during which the menu is to be presented; the menu information includes button information and effect information; the effect information defines the effect for introducing the menu and includes a plurality of pieces of composition information defining a sequence of display compositions of graphics constituting the effect.

Smith discloses the interactive control information includes menu information (e.g. menu 410; Figs. 4A, and 7A; Col. 6, lines 52—61) and time information showing a time period during which the menu is to be presented (It is noted that menu 410 is presented at certain time according to user actions); the menu information includes button information (Fig. 7A, element 740) and effect information (e.g. presenting of Fig. 7B); the effect information defines the effect for removing the menu and includes a plurality of pieces of composition information defining a sequence of display compositions of graphics constituting the effect (e.g. Fig. 7B).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Murase with the teachings of Smith. Motivation to combine would have been to allow introducing or removing of the menu so that user desired actions could be performed. Resulting in a user friendly system.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on (571)272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./

Examiner, Art Unit 2481

/Peter-Anthony Pappas/

Supervisory Patent Examiner, Art Unit 2481